

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6962 of 2015

Rajendra Prasad Kesary

... .. Petitioner/s

Versus

The State Of Bihar and Anr.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kishore Kumar Thakur

For the Respondent/s : Mr.Aag15- Yogendra Pd. Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-04-2019 Heard counsel for the petitioner and counsel for the respondents.

Petitioner's claim for grant of benefit of 2nd ACP and 3rd MACP after lapse of effect of censure in the year 2008 has been refused.

Respondents in their counter affidavit have said that on account of absence of excellent grading in ACR in between 2007-08 and 2011-12 benefit of 2nd ACP and 3rd MACP could not be considered or granted to the petitioner.

By way of rejoinder to the counter affidavit, petitioner has brought on record ACR right from 2005-06 up to 2012-13. From perusal of communication of the Chief Engineer to the Joint Secretary (Management) of the Water Resources Department dated 24.10.2013, it is apparent that petitioner was found having excellent ACR and eligible for promotion. Such



communication is of the year 2013 though it contains reference to ACR of the petitioner for the period 2007-08 onwards.

In view of such report submitted to the Joint Secretary, it is now, not open to the respondents to contend absence of ACR for the relevant period for considering his claim for grant of 2nd ACP and 3rd MACP. Let claim of the petitioner for grant 2nd ACP and 3rd MACP with effect from 2009-10 be considered by Respondent No. 1 on the basis of said communication dated 24.10.2013 placed on record by rejoinder filed in the instant proceeding. Let consideration be done within eight weeks from the date of receipt/production of a copy of this order and any amount found due and admissible should be paid to the petitioner within four weeks thereafter.

(Madhuresh Prasad, J)

s.hassan/-

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